



Graves Garrett LLC

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November 26, 2019

VIA ECF

Hon. John G. Koeltl
Daniel Patrick Moynihan
United States Courthouse
Courtroom 14A
500 Pearl Street
New York, New York 10007

Re: Eastern Profit Corp. Ltd. v. Strategic Vision US, LLC, 18-cv-2185 (JGK)-DLF

Dear Judge Koeltl:

We write on behalf of Defendant/Counterclaimant Strategic Vision US, LLC (“Strategic Vision”) to request an adjournment of the pre-motion conference scheduled for December 3, 2019, ECF 202. That conference resulted from the ECF 199 request of Plaintiff/Counterclaim Defendant Eastern Profit Corp. Ltd. (“Eastern Profit”) to discuss its desire to seek summary judgment on Strategic Vision’s counterclaim for fraud.

Strategic Vision disagrees with the contentions made by Eastern Profit regarding the reasons why summary judgment ultimately should issue on Strategic’s fraud claim, and expects that Eastern Profit will similarly disagree with the summary judgment motion that Strategic is planning to file on all of Eastern’s claims—including those sounding in contract, fraud, and restitution. Strategic, however, is not yet in a position to present its own pre-motion letter to this Court. As of this date, we are about six weeks ahead of the parties’ negotiated schedule (as entered by Judge Freeman in a revised scheduling order) for filing summary judgment motions, and discovery is not yet closed.

The background is this: between early September and early October 2019, Eastern Profit withdrew authority for its then-counsel to take substantive action, and ultimately found replacement counsel. This, coupled with new counsel’s need to review the file, caused a substantial hiatus in discovery. When Eastern’s new counsel finally appeared, Strategic met and conferred with Eastern, and both parties jointly submitted a new proposed schedule to Judge Freeman. Under that schedule, both parties were to move for summary judgment by mid-January 2020. The purpose for this particular summary judgment deadline was to give each party time to finish compiling discovery (which, with limited exceptions, closes on November 29, 2019), and to consider the holiday schedule and the demands of briefing. It was Strategic’s understanding or belief that those motions would



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cover all or almost all of the claims, and would likely be presented as cross-motions. That is because, as this Court will recall, each party has claims sounding in contract and in fraud, and the facts relevant to the claims overlap.

Strategic does intend to file its own letter requesting a conference on summary judgment (which motion would be filed on or shortly before the current deadline), but for a variety of reasons, is not prepared to file its letter until mid-December. Strategic respectfully suggests that, in the interest of economy, a single conference be held to discuss both parties' impending summary judgment motions. Further, in advance of the conference, a schedule could perhaps be worked out between the parties for cross-motions. That multi-purpose conference, covering both parties' proposed motions, could be held in mid to late December or in early January 2020, and the briefing schedule could be set at that time.

If the Court nevertheless desires to hold a pre-motion conference solely in response to ECF 199, to be followed later in December or early January by a second conference on Strategic Vision's forthcoming letter, Strategic Vision requests that the currently-set conference be rescheduled from December 3, 2019. That is a travel day for its counsel from Missouri for the previously-noticed deposition of Guo Wengui on December 4, 2019. Mr. Wengui is under Court order to testify, and the deposition was scheduled with permission from Judge Freeman to conduct it after the November 29, 2019 close of discovery. Our travel and deposition preparation schedule will make attending the conference difficult.

In conclusion, Strategic Vision suggests an early January pre-motion conference on behalf of all parties on all claims for which summary judgment will be sought. If the Court desires a pre-conference outline of each claim, Strategic Vision will provide it in advance of the conference.

We appreciate the Court's guidance on these matters.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Edward D. Greim".

Edward D. Greim

Counsel for Defendant/Counterclaim Plaintiff
Strategic Vision US, LLC

cc: Counsel of record via ECF